

CHAITMAN LLP

Helen Davis Chaitman
465 Park Avenue
New York, New York 10022
Phone & Fax: 888-759-1114

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

<div>SECURITIES INVESTOR PROTECTION CORPORATION,</div> <div>Plaintiff-Applicant,</div> <div>v.</div> <div>BERNARD L. MADOFF INVESTMENT SECURITIES LLC,</div> <div>Defendant.</div>	<div>No. 08-01789 (SMB)</div> <div>SIPA LIQUIDATION</div> <div>(Substantively Consolidated)</div>
<div>In re:</div> <div>BERNARD L. MADOFF,</div> <div>Debtor.</div>	
<div>IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,</div> <div>Plaintiff,</div> <div>v.</div> <div>CAROL NELSON, individually and as joint tenant; and STANLEY NELSON, individually and as joint tenant,</div> <div>Defendants.</div>	<div>Adv. Pro. No. 10-04377 (SMB)</div>
<div>IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,</div> <div>Plaintiff,</div> <div>v.</div> <div>CAROL NELSON,</div> <div>Defendants.</div>	<div>Adv. Pro. No. 10-04658 (SMB)</div>

DECLARATION OF RICHARD M. OPPENHEIM, ACCOUNTANT

I, RICHARD M. OPPENHEIM, declare pursuant to 28 U.S.C. 1746, that the following is true and correct based upon my personal knowledge and documents I possessed:

1. I am an accountant (former IRS agent), and the Managing Partner at Richard M. Oppenheim Associates, LLP, with offices at 38 Stoney Brook Road, Holmdel. NJ 07733.
2. The focus of my practice is financial management and accounting services, including the preparation of federal and state tax returns for individuals, partnerships, and corporations.
3. Since 1990 through the present date. I have prepared the personal tax returns for Stanley and Carol Nelson.
4. In order to prepare Exhibit A, I used verbal information provided to me by the Nelson's for tax years 1985 through 1989. For the tax years 1990 – 1993 and 1996, I used the best of my knowledge to present an accurate account of what income was received and total taxes paid. For the tax years 1994, 1995 and 1997 through 2002, I used the Madoff statements to determine to the best of my knowledge the total income received and the total taxes paid. Throughout the entire Exhibit A calculations, I used a blended return rate of 11%, which was a reasonable return, based on my prior knowledge of their filed tax returns. In addition, every tax year that I filed for the Nelson's required me to prepare detailed spread sheets of all the Madoff's transactions, in order to properly complete IRS Schedule D form 1040, therefore I am very knowledgeable and feel that the information I provided to the best of my knowledge is accurate and complete.

5. Exhibit A shows that the Nelson's paid \$ 5,342,009 in total taxes on reported gains and dividend income from their Madoff investments for the tax years 1985- 2002.
6. In 2009 the IRS issued a ruling allowing investors in Madoff Securities LLC to file a 5 year carry back claim for refund of taxes paid on the Madoff income for the tax years 2003- 2007. I prepared these amended returns, and the Nelson's received all of these refunds due them from the IRS and the state of CT which was approximately \$ 1.3 M.
7. The statements made herein are true and correct based on my personal knowledge, and the verbal information provided to me by the Nelson's. I understand that if any of these responses are found to be willfully false, I am subject to punishment.

September 9, 2016



Richard M. Oppenheim

EXHIBIT A

Stanley & Carol Nelson
Schedule of Taxes Paid on Madoff Investment
1985 – 2002

<u>Year</u>	<u>Income from</u> <u>Madoff</u>	<u>Federal</u> <u>Tax</u>	<u>NYS/NYC</u> <u>Tax</u>	<u>CT</u> <u>Tax</u>	<u>Total</u> <u>Taxes</u>
1985	\$ 165,000.	\$ 82,500.	\$ 16,500.	\$	\$ 99,000.
1986	242,000.	121,000.	24,200.		145,200.
1987	385,000.	148,225.	38,500.		186,725.
1988	462,000.	152,460.	46,200.		198,660.
1989	539,000.	177,870.	53,900.		231,770.
1990	550,000.	181,500.	55,000.		236,500.
1991	570,000.	176,700.	57,000.		233,700.
1992	610,000.	189,100.	61,000.		250,100.
1993	495,000.	196,020.	49,500.		245,520.
1994	396,000.	156,816.	39,600.		196,416.
1995	407,000.	161,172.	40,700.		201,872.
1996	528,000.	209,088.	52,800.		261,880.
1997	803,000.	317,988.	80,300.		398,288.
1998	1,012,000.	400,752.	101,200.		501,952.
1999	1,067,000.	422,532.	106,700.		539,232.
2000	1,056,000.	418,176.		47,520.	465,696.
2001	1,078,000.	426,888.		48,510.	475,398.
2002	1,100,000.	424,600.		49,500.	<u>474,100.</u>
Totals					\$ <u>5,342,009.</u>

Income from Madoff consists of Dividends and Short Term Capital Gains

An 11% blended rate of return was used to calculate all income received.